

## **Minutes of the ninety-ninth meeting of the Advisory Committee on Assisted Reproductive Technology**

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Held on 20 October 2022.

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### **Present**

Calum Barrett (Chair)  
Edmond Fehoko  
Seth Fraser  
Kathleen Logan  
Karen Reader  
Catherine Ryan (online)  
Karaitiana Taiuru (to 2.30 p.m.)  
Sarah Wakeman  
Debbie Wilson

### **Non-members present**

Nic Aagaard. Manager, Ethics, Ministry of Health. (Part of the morning session.)  
Elsie Coleman. ACART Secretariat.  
Martin Kennedy. ACART Secretariat.  
Jeannie Snelling. ECART

## **1a. Welcome**

1.1 The Chair opened the meeting at 9.00 a.m. and welcomed the ECART observer.

## **1b. Opening comments**

1.2 The lay member with a community perspective and Pacific ancestry gave the opening comments. He commented on his work on obesity and how it affects people's access to health services.

1.3 Nic Aagaard, the manager of the Ethics team at the Ministry of Health, spoke about the process for appointing members to ACART, the wider work in the Ethics team, and the substantial changes in the health sector that are underway. He advised members about options for making ACART's consultations more accessible but that doing so could add delays and involve extra costs.

## **2. Apologies**

2.1 Shannon Te Ahu Hanrahan.

## **3. Approval of the agenda**

3.1 Members approved the agenda. They agreed to an extra item, being a suggested response to the Ministry of Health, about the surrogacy bill that is going through the select committee process. The MoH will send ACART's comments to the Ministry of Justice who are leading the work.

### **Action**

- *Secretariat to add the October agenda to the ACART website.*

## **4. Declarations of Interests**

4.1 No conflicts of interest were declared.

4.2 The lay member with a community perspective and Pacific ancestry advised members that he is applying for a grant from the Health Research Council and that the work will include some assessments of fertility services. Members agreed this is not a conflict of interests.

## **5. Minutes of ACART's meeting of August 2022**

5.1 Members approved the minutes.

### **Action**

- *Secretariat to publish the August minutes.*

## **6. Actions arising from ACART's August 2022 meeting**

6.1 Members noted the status of the actions from the August 2022 meeting.

## **7. Status of ACART's work programme**

7.1 Members noted the report.

7.2 The Secretariat commented on the late paper, about the progress of the surrogacy bill that is at Select Committee, and that the matter would be addressed later in the meeting.

## **8. Report on ECART's recent meetings**

8.1 Members noted the oral report from ECART's meeting in August. The ACART member who had attended, commented that the questions the ECART members asked about the cases covered a wider range of matters than she had anticipated.

8.2 The ECART member in attendance was Jeannie Snelling and she advised ACART that will become the chair when Iris Reuvecamp finishes in December. Jeannie commented on the difficulty ECART faces with applications to do human reproductive research. She said that in some cases the legality of the research can be unclear. On a related note, she said that, ideally, ECART membership would have a strong medico-legal component.

8.3 Jeannie also commented on the need to decline applications to extend the storage of gametes and/or embryos when the applications are made after the storage expiry date.

## **9. Correspondence**

9.1 Enquiry from the Ministry of Justice. See the late item at the end of these minutes.

## **10. Consultation on guidelines for human reproductive research**

10.1 Members went through the draft consultation document addressing the outstanding items. Members agreed to:

- amend the wording of the questions
- accept the narrative for personhood and moral persons
- accept the new text for when an embryo can feel pain and to amend the explanation of the 14 day rule
- draft a high-level summary document
- add summary bullet points at the start of each chapter, giving readers a very quick overview of the purpose of each chapter
- add narrative about clinical equipoise, as recommended by the ethicist (who did the independent ethical review of the document).

10.2 There was a discussion about the explanation of research using embryonic stem cells and members requested changes.

10.3 Members agreed that the working group could make any final changes between meetings.

10.4 Members asked the Secretariat to investigate whether the Citizenspace (the online consultation tool) will be able to include links to the relevant parts of the consultation

document.

- 10.5 Members discussed the consultation plan, noting it is important to consult widely. They agreed several activities to ensure the consultation is comprehensive. Actions included writing to stakeholders, and establishing links with communities that ACART does not yet have strong bonds with (for example, Pacific communities). The Secretariat has written the communications plan and members can refer to this for guidance.
- 10.6 The members with expertise in human reproductive research and assisted reproductive procedures advised members they will give a high level summary of the work to a scientific conference on 12 November 2022.
- 10.7 The Secretariat advised members that he has drafted the documents that the Ministry of Health needs to produce in order to advise the Minister about the consultation and to get the document published.

### **Actions**

- *Secretariat to:*
  - *amend the wording of the questions*
  - *accept the narrative for personhood and moral persons*
  - *accept the new text for when an embryo can feel pain and to amend the explanation of the 14 day rule*
  - *draft a high-level summary document*
  - *add summary bullet points at the start of each chapter, giving readers a very quick overview of the purpose of each chapter*
  - *add narrative about clinical equipoise, as recommended by the ethicist (who did the independent ethical review of the document)*
  - *investigate whether Citizenspace can include links to the relevant parts of the consultation document.*
- *Secretariat to send the revised consultation document to working group members for any final comments.*
- *Secretariat to add details to the consultation plan.*

## **11. Review of the guidelines for extending storage**

- 11.1 The Secretariat advised members that submissions had closed, 21 were received, and one submitter had asked for an extension of a few days. The Chair had agreed to the extension. Two submitters had asked to make oral submissions — the Secretariat had acknowledged these requests and will work with the Chair to arrange the meetings in the next few weeks.
- 11.2 There was a discussion about the raw submissions, with members noting the important matters raised by submitters. Members expressed an eagerness to thoroughly examine and discuss the submissions at ACART's December meeting.
- 11.3 There was a discussion about the work done by the Donor Identity Aotearoa New Zealand group and the important matters they deal with. ACART will be cognisant of that work while considering these guidelines.

### **Action**

- *Secretariat to arrange meetings with submitters.*

## **12. Chair's report**

- 12.1 Members noted the report.
- 12.2 The Secretariat will follow up on an enquiry that ACART had received about a case that might involve sex selection.

### **Action**

- *Secretariat to follow up on the enquiry about sex selection.*

## **13. Members' reports**

- 13.1 No items this meeting.
- 13.2 At ACART's meeting in December 2022, the member with expertise in assisted reproductive procedures will give members a summary of the conference of the Fertility Society of Australasia (deferred from this meeting).

## **14. Secretariat report**

- 14.1 Members noted the report.

## **15. Meeting dates for 2023**

- 15.1 Members noted the proposed dates and accepted them. The dates are:
- Thursday, 2 March
  - Thursday, 27 April
  - Thursday, 29 June
  - Thursday, 31 August
  - Thursday, 26 October
  - Thursday, 14 December.
- 15.2 Some members, who will learn their teaching dates later in 2023, will advise the Chair and Secretariat once they learn those dates.
- 15.3 Members noted the need for:
- meetings in February and March 2023 for the consultation on human reproductive research
  - a working group meeting to discuss the submissions to the consultation on the proposed changes to the guidelines for extending the storage of gametes and embryos.

## **16. Work between meetings**

16.1 Members noted the work to:

- finalise the consultation document on human reproductive research
- analyse the submissions to the consultation on the proposed changes to the guidelines for extending the storage of gametes and embryos.

### **Action**

- *The Secretariat and Chair will liaise with working group members to progress these items.*

## **17. Update on appointments**

17.1 The Secretariat advised members that the Ministry of Health had received several applications and was working through them. The Ministry will contact the Chair in the near future for ACART's evaluation of the applicants.

## **18. Attendance at ECART**

18.1 Members confirmed their availability.

- 8 December 2022: Calum Barrett. Shannon Te Ahu Hanrahan will also attend if an online option is available.

## **Late item. Surrogacy bill and enquiry from the Ministry of Justice**

- Members noted that the Ministry of Justice had asked ACART to consider three items that are part of the work the MoJ is leading for the surrogacy bill that is before the Health Select Committee. The MoJ had asked about signed surrogacy plans, the identity rights of people born through surrogacy, and counselling requirements.
- Members confirmed ACART's response to the MoJ (via the Ministry of Health). Members noted they cannot publicly discuss the details while the matter is before the select committee.

The meeting closed at 3.00 pm.